



ARKANSAS JUDICIARY

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Rule 48. Number Of Jurors - Verdict.

Where as many as nine out of twelve jurors in a civil case agree upon a verdict, the verdict shall be returned as the verdict of such jury. The parties may, however, stipulate that a jury shall consist of any number less than twelve and that a verdict or finding of a stated majority thereof shall be taken as the verdict or finding of the jury. In any case where a verdict is less than unanimous, all jurors consenting to such verdict shall sign the same. If the verdict is unanimous, then the foreman only shall sign.

Reporter's Notes to Rule 48: - 1. Rule 48 varies substantially from FRCP 48 and instead follows prior Arkansas law. This rule takes into account Amendment 16 to the Arkansas Constitution which permits nine or more jurors to agree upon a verdict. Under the Federal Rule, a unanimous verdict is required in every case unless the parties have agreed otherwise. *Curry v. Moore-McCormick Lines, Inc.*, 51 F. R. D. 301 (D.C. N.Y., 1970).

2. Rule 48 goes further than prior Arkansas statutory law by permitting the parties to stipulate that fewer than twelve jurors may try a case and that a stated majority thereof may return a verdict. Under actual prior practice in this State, juries with fewer than twelve members have been quite common. This practice has not been officially sanctioned previously, however.

3. This rule continues the requirement that where the verdict is less than unanimous, those consenting must sign the verdict.

Associated Court Rules:

Rules of Civil Procedure

Group Title:

VI. Trials

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